

AARON D. FORD
Attorney General
GERRI LYNN HARDCASTLE, Bar No. 13142
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1134
E-mail: ghardcastle@ag.nv.gov

Attorneys for Defendants

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN QUINTERO,

Plaintiff,

vs.

ROMEO ARANAS, et al.,

Defendants.

Case No. 3:17-cv-00066-MMD-CBC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF STAY AND MOTION
FOR ENLARGEMENT OF TIME TO FILE
90-DAY STAY REPORT**

Defendants, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Gerri Lynn Hardcastle, Deputy Attorney General, hereby move this Court to enlarge the stay and the time for the Office of the Attorney General to file the 90-day stay report in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT PROCEDURAL HISTORY

This case is a *pro se* civil rights matter pursuant to 42 U.S.C. § 1983. ECF No. 9 at 1. Plaintiff, John Quintero (Plaintiff), is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC). *Id.* On February 26, 2019, this Honorable Court screened Plaintiff's case and allowed certain claims to proceed. *Id.* at 22-24. This Court also stayed Plaintiff's case for ninety (90) days for the parties to negotiate settlement and to participate in an inmate early mediation conference (EMC). *Id.* at 24. At the conclusion of the stay—which, according to the calculations of Defendants' counsel, would be on or about May 28, 2019—the Court ordered the Office of the Attorney General (OAG) to file a stay report.

The EMC in this matter is scheduled for July 23, 2019. ECF No. 11 at 1. Because the EMC is scheduled to take place *after* the expiration of the stay, Defendants respectfully request this Court enlarge the stay and the time to file the 90-day stay report until Friday, July 26, 2019.

II. LEGAL STANDARD

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Fed. R. Civ. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The proper procedure, when additional time for any purpose is needed, is to present to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such as an attorney’s “conflicting professional engagements” or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline. *Id.* Extensions of time “usually are granted upon a showing of good cause, if timely made.” *Creedon v. Taubman*, 8 F.R.D. 268, 269 (D. Ohio 1947). The good cause standard considers a party’s diligence in seeking the continuance or extension. *See, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

III. DISCUSSION

Here, the stay is scheduled to expire and the stay report must be filed today, May 28, 2019. However, the EMC is not scheduled to take place until July 23, 2019. Good cause therefore exists to grant Defendants’ motion, because the parties have not yet had the opportunity to mediate these cases and mediation is the primary purpose of the stay.

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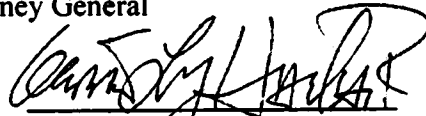
1 IV. CONCLUSION

2 Because the EMC in this matter is not scheduled to take place until July 23, 2019, Defendants
3 respectfully request this Honorable Court grant their motion and enlarge the stay and the time for the OAG
4 to file the 90-day stay report until Friday, July 26, 2019.

5 DATED this 28th day of May, 2019.

6 AARON D. FORD
7 Attorney General

8 By:



9 GERRI LYNN HARDCASTLE
10 Deputy Attorney General
11 State of Nevada
12 Bureau of Litigation
13 Public Safety Division

Attorneys for Defendants

14 IT IS SO ORDERED

15 
16 U.S. MAGISTRATE JUDGE

17 DATED: 5/29/2019
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